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**OFFICE OF PETITIONS**

In re Application of  
Hirose et al.  
Application No. 09/834,946  
Filed: April 16, 2001  
Attorney Docket No. Q63660

ON PETITION

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed October 1, 2003, to revive the above-identified application.

The petition is granted.

This application became abandoned for failure to timely reply within three months to the final Office action mailed January 30, 2003. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, this application became abandoned on May 1, 2003. A Notice of Abandonment was mailed on September 4, 2003.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b).

The Notice of Appeal filed October 1, 2003, has been entered and made of record. Accordingly, the 2-month period for filing the appeal brief, in triplicate, accompanied by the fee required by law, runs from the date of this decision.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the \$950.00 extension of time fee submitted with the petition on October 1, 2003 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account as authorized.

Enclosed is a copy of the advisory action issued by the examiner against the amendment submitted on April 30, 2003 for petitioner's convenience.

The file is now being forwarded to Technology Center 3700 for further processing.

Telephone inquiries should be directed to Paralegal Liana Chase at (703) 306-0482.

*Karen Creagh*  
Karen Creagh  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

Enclosure:      Advisory Action